

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Adv. Pro. No. 08-01789 (CGM)

Plaintiff-Applicant,

v.

SIPA Liquidation

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

(Substantively Consolidated)

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L.
Madoff,

Adv. Pro. No. 11-02922 (CGM)

Plaintiff,

v.

BANK JULIUS BAER & CO. LTD.,

Defendant.

**STIPULATION AND ORDER
EXTENDING DEFENDANT'S TIME TO APPEAL**

This Stipulation and Order is entered into by and between Plaintiff Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC and the Chapter 7 Estate of Bernard L. Madoff (the “**Trustee**”), and Defendant Bank Julius Baer & Co. Ltd., (“**BBJ**”) through its respective undersigned counsel.

RECITALS

A. On July 7, 2022, BJB filed its *Motion to Dismiss the Amended Complaint* in this Adversary Proceeding, No. 11-02922 (CGM) [ECF No. 114].

B. On December 15, 2022, following briefing by the parties and oral argument, this Court issued its *Memorandum Decision Denying Defendant's Motion to Dismiss* [ECF No. 134].

C. On December 28, 2022, based on the Memorandum Decision, this Court entered its *Order Denying Bank Julius Baer & Co. Ltd.'s Motion to Dismiss the Amended Complaint* [ECF No. 135] (the “**December 28, 2022 Order**”).

D. Under Bankruptcy Rule 8002(a)(1), the last day on which BJB may file a notice of appeal from the December 28, 2022 Order is 14 days after entry of that order, *i.e.*, on January 11, 2023.

E. BJB seeks an extension of time to file such a notice of appeal in order to consider whether to appeal and on what grounds, and if so, to prepare the required papers for a motion for leave to appeal.

F. Under Bankruptcy Rule 8002(d)(1), the Bankruptcy Court may extend the time to file a notice of appeal upon a party’s motion that is filed within the time prescribed by Rule 8002, *i.e.*, by January 11, 2023. Bankruptcy Rule 8002(d)(3) permits such an extension to 21 days after the time prescribed by Bankruptcy Rule 8002(a)(1), *i.e.*, to February 1, 2023.

G. No previous motion for an extension of time to file such notice of appeal has been made.

H. The Trustee consents to BJB’s request to extend its time to appeal to February 1, 2023.

IT IS THEREFORE STIPULATED THAT:

1. For purposes of Bankruptcy Rule 8002(d), this Stipulation and Order shall be deemed a motion by BJB for an extension of time for filing (a) a notice of appeal from the December 28, 2022 Order and (b) a motion for leave to appeal in accordance with Bankruptcy Rules 8002(a)(1) and 8004(a) (collectively, the “**Required Filings**”), through and including February 1, 2023 (the “**Extended Filing Deadline**”).

2. The Trustee consents to BJB's motion, and this Court hereby grants it pursuant to Bankruptcy Rule 8004(d).

3. Accordingly, if BJB wishes to appeal from the December 28, 2022 Order, BJB shall make the Required Filings by the Extended Filing Deadline.

Dated: December 29, 2022
New York, New York

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*Special Counsel for Irving H. Picard, Trustee
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of Bernard L. Madoff Investment Securities LLC and
the Chapter 7 Estate of Bernard L. Madoff*

SO ORDERED.

**Dated: January 3, 2023
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**